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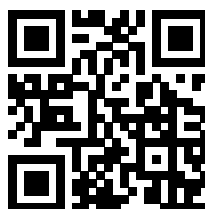
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JOURNAL POLICY

Journal mission

International penitentiary cooperation can and should help States to coordinate criminal and penal policy, practice of sentencing and execution of penalties, means, methods of treatment with convicts according to universally recognized principles and norms of international law, as well as standards developed over the years of cooperation in this field. International penitentiary journal is a dialogue platform for describing and discussing penitentiary systems' problems in all countries of the world. The publication is focused on the expansion of contacts between penitentiary systems of Russia and other States in scientific and practical fields. Such cooperation is important due to the need for mutual consideration of positive and other experience in the penitentiary sphere, joint efforts in ensuring human and social security, crime prevention, execution of criminal penalties, etc. The journal is not limited by only one direction of Penitentiary systems' activity. According to the Editorial Board's opinion, none of them can be considered secondary. For this reason, the journal focuses on any issues of penitentiary practice: the history of penitentiary bodies and institutions, problems of international standards application for treatment with prisoners, inter-sectoral research in the field of criminal penalties sentencing and execution, legal, psychological, pedagogical and economic foundations of penitentiary systems' development, ensuring the rule of law in their activities, personnel training for correctional institutions, etc.

Publication Frequency

Triannually

Principles of editorial work

scientifically proven approach to selection, review and publication placement;

free and open access to research results, used data, which contributes to increasing of global knowledge exchange;

compliance with international ethical editorial rules.

Publication fee

Publication in the journal is free. The editors do not charge authors for preparation, placement and printing of materials.

Copyright

Authors who publish articles in the journal retain copyright and grant the journal the right to publish the material for the first time, which is automatically licensed after publication on the terms of [Creative Commons Attribution-NonCommercial-ShareAlike 4.0](#). It allows others to distribute this work with the obligatory preservation of references to the authors of the original work and the original publication in the journal.

Free access policy

The journal provides direct open access to its content based on the following principle: free open access to research results contributes to increasing of global knowledge exchange.

ПОЛИТИКА ЖУРНАЛА

Миссия журнала

Международное пенитенциарное сотрудничество может и должно способствовать государствам координировать уголовную, уголовно-исполнительную политику, практику назначения и исполнения наказаний, средства, методы обращения с осужденными с общепризнанными принципами и нормами международного права, а также стандартами, наработанными за годы взаимодействия в данной сфере. Международный пенитенциарный журнал – это диалоговая площадка для описания и обсуждения проблем пенитенциарных систем всех стран мира. Издание ориентировано на расширение контактов между пенитенциарными системами России и других государств в научной и практической областях, необходимость взаимного учета положительного и иного опыта в пенитенциарной сфере, объединение совместных усилий в обеспечении безопасности человека и общества, предупреждении преступлений, исполнении уголовных наказаний и пр. Журнал не ограничен каким-либо одним направлением деятельности пенитенциарных систем. По мнению редакции, ни одно из них не может быть признано второстепенным. В силу этого в журнале внимание уделяется любым вопросам пенитенциарной практики: истории пенитенциарных органов и учреждений, проблемам применения международных стандартов по обращению с заключенными, межатраслевым исследованиям в области назначения и исполнения уголовных наказаний, правовым, психолого-педагогическим и экономическим основам пенитенциарных систем, обеспечению законности в их деятельности, подготовке кадров для исправительных учреждений и т. п.

Периодичность

3 выпуска в год.

Принципы работы редакции

научно обоснованный подход к отбору, рецензированию и размещению публикаций;

свободный открытый доступ к результатам исследований, использованным данным, который способствует увеличению глобального обмена знаниями;

соблюдение международных этических редакционных правил.

Плата за публикацию

Публикация в журнале бесплатна. Редакция не взимает плату с авторов за подготовку, размещение и печать материалов.

Авторские права

Авторы, публикующие статьи в журнале, сохраняют за собой авторские права и предоставляют журналу право первой публикации работы, которая после публикации автоматически лицензируется на условиях [Creative Commons Attribution-NonCommercial-ShareAlike 4.0](https://creativecommons.org/licenses/by-nc-sa/4.0/), позволяющей другим распространять данную работу с обязательным сохранением ссылок на авторов оригинальной работы и оригинальную публикацию в журнале.

Политика свободного доступа

Журнал предоставляет непосредственный открытый доступ к своему контенту, исходя из следующего принципа: свободный открытый доступ к результатам исследований способствует увеличению глобального обмена знаниями.

ARTICLE REQUIREMENTS

The Editorial Board accepts articles by e-mail editor62@yandex.ru in Russian or English, with the observance of the following requirements.

Title

Up to 10–12 words. Abbreviations and formulas in the title of an article are not allowed.

Information about authors

Names are given in full, without abbreviations. The editorial office recommends the uniform spelling of names' transliteration in all articles of the author. The editors transliterate names according to the standard BSI from website <http://translit.net>.

Affiliation. Author's full affiliation (including position, name of the department, faculty and university, address and e-mail address). If the author affiliates him/herself with a public organization or institution, please, supply adequate information on the organization's full title and address.

The position is indicated in full, without abbreviations. Adjuncts, graduate students, doctoral students and applicants must indicate their status and the department to which they are attached, in full, without abbreviations.

Academic title and degree are indicated in full, without abbreviations.

Individual numbers of authors in the following database systems: ORCID, ResearcherID, Scopus Author ID.

An abstract

250–400 words, determined by the content of the article. It includes the characteristics of the researched problem, objectives, research methods and materials of the study, as well as the results and main conclusions of the study. It is advisable to point out the main scientific result of the work. Unencrypted abbreviations, for the first time entered terms (including neologisms) are not allowed. For articles in Russian language it is recommended to use the Interstate standard 7.9–95 "Summary and abstract. General requirements".

Keywords

5–10 words or phrases. The list of basic concepts and categories used to describe the problem under study.

Main body of the article

Structure. The body of the text should be divided into meaningful sections with individual headings (1–5 words) to disclose the essence of this section. Every article should contain Conclusions, where the author(s) are expected to ground meaningful inferences. Implications for a future research might also find their place in Conclusions. The Editorial Board recommends using the IMRAD structure for the article. This structure is reference and can be adapted (expanded and (or) more detailed) depending on the characteristics and logic of the research.

Text of the article (design)

The text may contain tables and figures, which should have separate numbering (one numbering system for tables; another – for figures). They should be placed in the text at the appropriate paragraph (just after its reference).

References in text

References must be in Harvard style. References should be clearly cited in the body of the text, e.g. (Smith, 2006) or (Smith, 2006, p. 45), if an exact quotation is being used.

Excessive and unreasonable quoting is not allowed. Self-citations are not recommended.

Bibliographic list

At the end of the paper the author(s) should present full References in the alphabetical order as follows:

Sources are given in the order of their citation in the text (not alphabetically) and are not repeated. Interval of pages of scientific articles and parts of books must be indicated (pp. 54–59), and in monographs, textbooks, etc. – the total number of pages in the publication (p. 542).

ТРЕБОВАНИЯ К СТАТЬЯМ

Редакция принимает статьи по электронной почте (editor62@yandex.ru) на русском или английском языке при соблюдении следующих требований.

Заглавие

Не более 10–12 слов. Не допускается использование аббревиатур и формул.

Сведения об авторах

Фамилия, имя, отчество приводятся полностью, без сокращений. Редакция рекомендует единообразное написание транслитерации ФИО. Редакция использует при транслитерации ФИО стандарт BSI с интернет-сайта <http://translit.net>.

Аффилиация (принадлежность автора к определенной организации). Указываются: организация (место основной работы) – название согласно уставу организации; город – полное официальное название; страна – полное официальное название.

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Ученые звание и степень указываются полностью, без сокращений.

Индивидуальные номера авторов в системах ORCID, Scopus Author ID.

Контактная информация – e-mail (публикуется в журнале).

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Объем: от 250 до 400 слов, определяется содержанием статьи. Включает в себя характеристику темы, объекта, целей, методов и материалов исследования, а также результаты и главные выводы исследования. Целесообразно указать, что нового несет в себе научная статья. Не допускаются аббревиатуры, впервые вводимые термины (в том числе неологизмы). Для статей на русском языке рекомендуется пользоваться ГОСТ 7.9–95 «Реферат и аннотация. Общие требования».

Ключевые слова

5–10 слов и (или) словосочетаний. Должны отражать тему, цель и объект исследования.

Текст статьи (объем, структура)

Объем от 40 000 до 60 000 печатных знаков с пробелами. Редакция рекомендует использовать структуру IMRAD для оформления статьи с выделением следующих частей: введение (Introduction); методы (Materials and Methods); результаты (Results); обсуждение (Discussion). Каждая часть должна иметь заголовок (примерно до 5 слов). Данная структура является опорной и может быть адаптирована (расширена и (или) более детализирована) в зависимости от особенностей и логики проведенной исследовательской работы.

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Текстовый редактор – MS Word. Поля – 2 см. Шрифт – Times New Roman 14 пт. Интервал – 1,5. Выравнивание – по ширине. Абзацный отступ – 1,25 см. Нумерация страниц – сверху по центру.

Ссылки в тексте

Приводятся по тексту статьи в квадратных скобках [1, с. 2; 4, с. 7–9], [8, т. 1, с. 216; 9, ч. 2, с. 27–30], нумеруются согласно литературе.

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Dear colleagues!

Editorial office of our periodical thank all the authors who decided to publish their scientific works in the new issue of the International Penitentiary Journal. Due to your cooperation with us, the geography of authors is expanding, as well as the thematic coverage of our journal. This issue features works prepared by authors from five countries. Authors of current issue are affiliated with leading law schools of Uzbekistan, Kazakhstan, Moldova, Belarus, Mongolia: Tashkent State Law University (Tashkent, Republic of Uzbekistan), Academy of Law Enforcement Agencies under the Prosecutor General's Office of the Republic of Kazakhstan (Nursultan, Republic of Kazakhstan), University of Internal Affairs of Mongolia (Ulaanbaatar, Mongolia), "Stefan cel Mare Academy" of the Ministry of Internal Affairs of the Republic of Moldova, Academy of the Ministry of Internal Affairs of the Republic of Belarus (Minsk, Republic of Belarus), Kostanay Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after Shrakbek Kabyrbayev (Kostanay, Republic of Kazakhstan).

We should also note that this issue contains a number of articles prepared by practitioners of the penitentiary departments of the Republic of Belarus and the Republic of Moldova (employees of the department of Corrections of the Ministry of Internal Affairs of Belarus Republic (Minsk, Republic of Belarus), Correctional Colony No 2, Department of Corrections of the Ministry of Internal Affairs of the Republic of Belarus in the Mogilev Region (Bobruisk, Republic of Belarus), National Penitentiary Administration of the Ministry of Justice of the Republic of Moldova (Chisinau, Republic of Moldova)).

As before, the editorial Board of the journal invites all colleagues to publish announcements of scientific events and reports on their conduct. We are convinced that this practice will help to expand the audience of announced events in scientific life and will provide them with appropriate information support. We are also open for cooperation and are ready to publish research papers on all branches of penitentiary activity prepared by authors from different countries of the world.

Alexey Vladimirovich Rodionov

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Уважаемые коллеги!

Редакция нашего периодического издания благодарит всех авторов, кто принял решение разместить свои научные работы в очередном выпуске Международного пенитенциарного журнала. Благодаря Вам расширяется география авторов, а также тематический охват нашего журнала. В этом выпуске представлены работы авторов из пяти стран. Свои работы опубликовали ученые-пенитенциаристы из ведущих юридических вузов Узбекистана, Казахстана, Молдовы, Беларуси, Монголии: Ташкентского государственного юридического университета (г. Ташкент, Республика Узбекистан), Академии правоохранительных органов при Генеральной прокуратуре Республики Казахстан (г. Нур-Султан, Республика Казахстан), Университета внутренних дел Монголии (г. Улан-Батор, Монголия), Академии «Штефан чел Маре» МВД Республики Молдова (г. Кишинев, Республика Молдова), Костанайской академии Министерства внутренних дел Республики Казахстан имени Шракбека Кабылбаева (г. Костанай, Республика Казахстан), Академия МВД Республики Беларусь (г. Минск, Республика Беларусь).

Отдельно отметим, что в этом выпуске опубликован ряд статей практических работников пенитенциарных ведомств Республики Беларусь и Республики Молдова (сотрудники департамента исполнения наказаний Министерства внутренних дел Республики Беларусь (г. Минск, Республика Беларусь), Исправительной колонии № 2 Управления Департамента исполнения наказаний МВД Республики Беларусь по Могилевской области (г. Бобруйск, Республика Беларусь), национальной пенитенциарной администрации Министерства юстиции Республики Молдова (г. Кишинев, Республика Молдова)).

Как и прежде, редакция журнала приглашает всех коллег к публикации анонсов научных мероприятий и отчетов об их проведении. Мы убеждены, что подобная практика будет способствовать расширению аудитории анонсируемых событий в научной жизни и будет оказывать им соответствующую информационную поддержку. Мы также открыты для сотрудничества и готовы публиковать исследовательские работы по всем отраслям пенитенциарной деятельности, подготовленные авторами из разных стран мира.

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THE MAIN MEANS OF ENSURING A SENTENCE EXECUTION IN THE FORM OF RESTRICTION OF LIBERTY

ОСНОВНЫЕ СРЕДСТВА ОБЕСПЕЧЕНИЯ ИСПОЛНЕНИЯ НАКАЗАНИЯ В ВИДЕ ОГРАНИЧЕНИЯ СВОБОДЫ

Abstract. Currently, the Republic of Uzbekistan is actively implementing reforms of the penal legislation and the penal system. Their main tendency is to abandon the previously dominant opinion about the possibility of reducing crime by toughening penalties and to choose a course for strengthening and developing legal norms that promote greater individualization and differentiation of criminal responsibility. However, we have to admit that the current system of punishments does not have measures that can achieve the goal of correcting convicted persons without elements of isolation from society, but under the supervision of competent law enforcement agencies. The relatively rare use of the restriction of liberty, in the author's opinion, is explained by the insufficient development of the mechanism for its implementation, in particular, the means of ensuring its execution. The execution of a sentence in the form of restriction of liberty is ensured by a whole system of means that are closely interrelated. Conditionally, such means can be divided into two main groups: control-supervisory and psychological-educational means. Based on the results of the study, the author comes to the following conclusions. The enforcing means of liberty restriction are designed to create a reliable legal guarantee of the implementation of the principle of punishment inevitability and the fullest possible realization of the goals of punishment. Currently, there is no practice in Uzbekistan of using electronic means of control and supervision of persons sentenced to restriction of liberty. At the same time, only the implementation of the electronic tracking tools specified in the legislation for the control and supervision of persons sentenced to restriction of liberty, the definition of a specific order and methods of surveillance can affect the development of positive experience in the use of electronic bracelets in the Republic of Uzbekistan. A special category of persons sentenced to restriction of liberty is juveniles. When conducting educational work with them, it is necessary to take into account the factors that affect their behavior. In this regard, it is proposed to create a public organization consisting of juveniles at the age of 14 to 18 years, located at the inspection of the sentences execution of the internal affairs bodies and conducting educational activities with juveniles sentenced to restriction of liberty.

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Keywords: Republic of Uzbekistan, criminal policy, penal system, criminal punishment, restriction of liberty, means of enforcement of punishment.

Аннотация. В настоящее время в Республике Узбекистан активно проводятся реформы уголовно-исполнительного законодательства и уголовно-исполнительной системы. Их основной тенденцией являются отказ от главенствующего ранее мнения о возможности снижения преступности путем ужесточения наказания и выбор курса на усиление и развитие правовых норм, способствующих большей индивидуализации и дифференциации уголовной ответственности. Однако приходится констатировать отсутствие в действующей системе наказаний мер, способных достичь цели исправления осужденных без элементов изоляции от общества, но под надзором компетентных правоохранительных органов. Сравнительно редкое использование ограничения свободы, на взгляд автора, объясняется недостаточной разработкой механизма его реализации, в частности средств обеспечения его исполнения. Исполнение наказания в виде ограничения свободы обеспечивается целой системой средств, которые тесно взаимосвязаны между собой. Условно такие средства могут быть подразделены на две основные группы: контрольно-надзорные и психолого-воспитательные средства. По результатам проведенного исследования автор приходит к следующим выводам. Средства обеспечения исполнения ограничения свободы предназначены для создания надежной правовой гарантии осуществления принципа неотвратимости наказания и максимально полной реализации целей наказания. В настоящее время в Узбекистане отсутствует практика применения электронных средств контроля и надзора за осужденными к ограничению свободы. Вместе с тем только реализация указанных в законодательстве средств электронного слежения для контроля и надзора за осужденными к ограничению свободы, определение конкретного порядка и методов наблюдения способны повлиять на развитие положительного опыта использования электронных браслетов в Республике Узбекистан. Особую категорию осужденных к ограничению свободы составляют несовершеннолетние. При проведении воспитательной работы с ними необходимо учитывать факторы, влияющие на поведение несовершеннолетних. В связи с этим предлагается создать общественную организацию, состоящую из несовершеннолетних в возрасте от 14 до 18 лет, находящуюся при инспекции исполнения наказаний органов внутренних дел и проводящую воспитательные мероприятия с несовершеннолетними осужденными к ограничению свободы.

Ключевые слова: Республика Узбекистан, уголовная политика, уголовно-исполнительная система, уголовное наказание, ограничение свободы, средства обеспечения исполнения наказания.

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The ongoing reforms in the penal legislation, as well as the reform of the penal system of the Republic of Uzbekistan, are accompanied by a large-scale update and improvement of legislation, the formation of many new legal institutions that meet the principles of a democratic state, international standards for the protection of individual rights and liberties, and require the improvement of the criminal liability system, which must be humane and at the same time be effective in achieving the goals of punishment provided for in Article 2 of the Penal Code of the Republic of Uzbekistan (hereinafter – the PC of the Republic of Uzbekistan). Measures aimed at the gradual elimination of the sphere of criminal repression and the widespread use of punishments that are not related to the isolation of convicted persons from society, including such penalties as restriction of liberty, are no exception to the general trend of the development of national legislation. Of particular importance in modern conditions is the problem of ensuring the rights and legitimate interests of convicts guaranteed by the state, improving the measures of their social and legal protection in the conditions of serving a sentence. Another trend in the development of criminal policy is the rejection of the prevailing opinion in society about the possibility of reducing crime by increasing penalties and the choice of a course to strengthen and develop legal norms that contribute to greater individualization and differentiation of criminal responsibility. However, all proposals in this direction can be reduced to the thesis that there are no measures in the current system of punishments that can achieve the goal of convicts' correction without elements of isolation, but under the supervision of competent law enforcement agencies. The current state of development of criminal penalties that form an alternative to deprivation of liberty, primarily the institution of restriction of liberty, does not allow us to recognize the problem as solved, since there is no real practical mechanism for the execution of this type of punishment. Judicial practice shows

that the restriction of liberty is imposed less often than other types of punishment. According to the Main Department for the Execution of Sentences of the Ministry of Internal Affairs, it is impossible to achieve the objectives of the penal legislation by imposing a sentence of restriction of liberty on a convicted person, since its implementation poses a number of tasks to the competent authorities, to which there are no answers either from a theoretical, practical, or legislative point of view. The above requires a fundamental improvement of the penal system of the Republic of Uzbekistan, the adoption of a new concept aimed at humanizing punishments, correcting the convicted person without isolating him from society, liberalizing the types of punishment, developing and applying new types of punishment that are not related to deprivation of liberty, involving professional psychologists in the process of re-education, using information technologies, in particular electronic means of control and supervision of convicts.

In order for any legal institution not only to be declared and have practical significance, it is necessary to provide a mechanism for the implementation of legal norms that establish certain rules in the normative document regulating the relevant legal relations. This is especially true for legal relations related to the implementation of legal responsibility. But the problem lies not only in legal nihilism, to which a considerable part of the population is subject, but also in the purely technical and technological aspects of the implementation of the adopted laws. This directly concerns the implementation of criminal penalties. The relatively rare use of the restriction of liberty, in our opinion, is due to the insufficient development of the mechanism for its implementation, in particular, the means to ensure its execution. The execution of a sentence in the form of restriction of liberty is provided by a whole system of means that are closely interrelated, forming a single complex. Conditionally, such means can be divided into two main groups: control-supervisory and psychological-educational means.

At the same time, the fact of the difference between the means of enforcing the restriction of liberty and the means of correction is fundamental. In our opinion, the first analyzed category is broader in its content. The purpose of the means of enforcing the restriction of liberty is to create a reliable legal guarantee of the implementation of the principle of punishment inevitability and the fullest possible realization of the goals of punishment. Means of correction are focused only on achieving one of the goals of criminal punishment – correction.

In accordance with Article 7 of the Penal Code of the Russian Federation, the correction of a convicted person is the formation of law-abiding behavior, respect for the person, society, work, norms and traditions of the human community. The main means of convicts' correction are the established procedure for the execution and serving of a sentence (regime), socially useful work, educational work, general education and vocational training, vocational training and social impact. The means of correction are applied taking into account the type of punishment, the nature and degree of public danger of the committed crime, as well as the personality and behavior of the convicted person. Based on the provisions of Article 7 of the PC of the of the Republic of Uzbekistan, as well as scientific sources, we propose the following classification of convicts' correction means: means of supervision and control; regime of serving a sentence; labor; educational work; legal education; incentives and penalties; psychological and social work. We will give a description of each of the listed means of convicts' correction. At the same time, we will proceed from the logic, by virtue of which the sequence of the material presentation will be determined by the analysis of the two main groups into which the means of execution of the analyzed type of punishment are divided.

Control and supervisory measures are aimed at monitoring the behavior of a person sentenced to restriction of liberty in order to identify violations of the order of serving a sentence. At the same time, for the

convenience of consideration, we propose to divide these activities into two groups: local and general. Local control and supervisory measures involve their implementation in a limited area, usually at the inspection's location. Examples of such measures are periodic visits by convicts to the relevant inspection for registration, or telephone calls by the inspector on a stationary phone installed at the place of the convict's residence. General control and supervision measures involve the use of electronic means of control and supervision that allow to obtain information about a person sentenced to restriction of liberty, not only at the place of residence, but also staying outside it, although, being enshrined in legislation, this type of control is not applied in practice. We believe that local control and supervisory measures have significant drawbacks. First, the initiative to visit the inspection for the purpose of registration is largely given to the convict himself, which is formally his duty, but in fact depends on his will. The initiative passes to the law enforcement agencies only if the convicted person did not appear within the established time limit. Secondly, phone calls are not always technically possible – not all apartments have fixed (home) phones.

General control and supervision measures are carried out using electronic means of control and supervision of convicts. We agree with the opinion of I. V. Borisenko (2012) that the use of technical means of control and supervision has three goals: prevention of crimes committed by persons sentenced to restriction of liberty; prevention of violations of the order and conditions of serving a sentence in the form of restriction of liberty; obtaining the necessary information about the behavior of persons sentenced to restriction of liberty.

Speaking about the practice of introducing electronic means of control and supervision over persons sentenced to restriction of liberty, it is worth noting that, for example, the Government of the Russian Federation Decree No. 198 adopted on 31.03.2010 approved a list of audio-visual, electronic and other technical

means of supervision and control used by penal inspections to ensure supervision over persons sentenced to restriction of liberty. This list includes: electronic wristband, stationary monitoring device, mobile monitoring device, repeater, personal tracker, etc. However, it is an electronic bracelet that is worn on a person sentenced to restriction of liberty, and therefore we will pay special attention to this electronic means of monitoring and supervising convicts. An electronic bracelet is an electronic device that is worn on a person sentenced to restriction of liberty for the purpose of remote identification and tracking of his location, intended for long-term wear on the body (more than 3 months) and has a built-in system for monitoring unauthorized removal and opening of the case. The shape of the bracelet does not differ from the usual electronic watch. In the strap of the bracelet there is an LED drive, which instantly gives a signal to the operator in case of an attempt to remove it. The bracelet comes complete with a transmitter that can be hung on the belt and a stationary transmitting device that is installed at the place of serving the sentence. Depending on the restrictions imposed on the convicted person by the court, the prisoner is given one or another set from the specified list. If the prisoner is forbidden to leave the house at all, then it will be possible to limit him to a bracelet and a stationary module. This type of control and supervision is the most effective and acceptable to date, since it does not require any difficulties for the enforcement officers.

Thus, having considered the general control and supervisory measures of the inspection for persons sentenced to restriction of liberty, it can be concluded that at this stage electronic means of control and supervision should be introduced into law enforcement practice.

The next group of means of ensuring the execution of the analyzed type of punishment that is not associated with isolation from society is psychological and educational means. Criminal legislation provides for strictly defined goals of criminal punishment – the restoration of social justice, the correction of

the person who committed the crime, and the prevention of the commission of new crimes. In this regard, A. N. Velichko (2006) notes that each punishment is able to carry out the tasks of both general and special prevention of crimes, which are achieved by assigning a fair punishment to the person who committed the crime. In our opinion, it is the effective organization of the process of punishment execution in the form of restriction of liberty that affects the development of the potential of criminal punishment and the achievement of its goals. So, if a person sentenced to restriction of liberty has not corrected himself and intends to commit a crime again, then it is possible to keep him from doing so only by the threat of a more severe punishment (Velichko, A. N. 2006). In the process of a sentence execution in the form of restriction of liberty, it is possible to achieve all the goals of criminal punishment. However, it should be emphasized once again that the achievement of the goals of punishment in the form of restriction of liberty is possible only after making appropriate changes to the criminal and penal legislation, which were discussed in this paper.

It seems that in connection with the emerging trend towards the reform of the penal system, it is the goal of correcting the convicted person through educational influence that causes the greatest number of complaints. We agree with the position of I. A. Podroykina (2007, p. 56), who believes that in criminal law correction is mainly implemented during a sentence, the achievement of a specific result – correction of the convicted person is carried out in the process of the sentence execution in accordance with the penal legislation. The purpose of the correction of the convicted person is to change the personality, in which he returns to society as a citizen who does not violate the law and respects the rules of human society. A person becomes a criminal as a result of the negative influence of various criminogenic factors on the formation of his psychoemotional state. As a result, the potential criminal does not have a normal perception of

all the events that occur, there is aggression and alienation from society.

However, speaking about the restriction of liberty, one can doubt the real corrective effect on the convicted person. In our opinion, the restriction of the rights of a convicted person while serving a sentence in the form of restriction of liberty does not contribute to the correction of his internal properties and behavior. At the same time, it is precisely to achieve this result that it is necessary to conduct educational work with the convicted person to restrict liberty, which is implemented by the penal inspections. At the same time, the ultimate goal of such education is the voluntary rejection of the convicted person from the environment that gave rise to criminal motivation in him. As G. G. Khantseva (2009, p. 102) points out “educational influence is a means of spiritual influence on the convicted person, an attempt to improve his personality by purposeful corrective influence, restoring or instilling in the convicted person the skills of correct orientation in the system of spiritual and moral values, psychological and other preparation for leading a socially useful life.” In addition, the process of correction is greatly influenced by the age of the convicted person to the restriction of liberty. A special category of persons sentenced to restriction of liberty is juveniles. In our opinion, in order to conduct effective educational work with juveniles sentenced to restriction of liberty, it is necessary to take into account a number of factors:

- special psychophysiological and social qualities of a teenager’s personality. It should be remembered that a juvenile is most susceptible to adverse influence from peers. A juvenile can either lag behind in development, or, conversely, overtake his age;

- the influence of narcotic and psychotropic substances on the behavior of a teenager. In the process of conducting educational work with a juvenile, the inspector should pay special attention to explaining the consequences of the use of narcotic and psychotropic substances for preventive purposes;

- lack of upbringing in a full family. Practice shows that the vast majority of teenagers who committed crimes were brought up in dysfunctional families. In this regard, we consider it necessary to recommend that the inspection staff and psychologists actively work with the families of juveniles, in particular, in order to identify the microclimate in the family, the influence of the immediate environment.

It should be noted that these factors should be taken into account when conducting educational activities with juveniles. In this case, there is again the problem of proper personnel who can be brought in to work with juveniles who have a completely different worldview and world perception, which must be taken into account when working with them. If one uses inappropriate methods of educational and psychological influence, then the juvenile may withdraw and not make contact during subsequent communication.

Special attention should be paid to conducting interviews with the convicted person. During the conversation, the inspection officer should not look cheeky, familiar, behave haughtily or show excessive perseverance. The inspection officer should behave politely, with restraint, tactfully and take into account the influence of unfavorable factors – tension, hostility, indifference, fear, uncertainty and other emotional manifestations of the educated (Chernysheva, D. V. 2010). Therefore, when conducting conversations of this kind, the correspondence acquaintance of the convicted person and the officer conducting the conversation can help. It can be expressed in positive information that the convicted person can receive from various sources. This will help to create the appearance of familiarity, trust, which is necessary for a frank conversation.

When imposing a sentence in the form of restriction of liberty, it is necessary to pay attention to the labor relations or educational activities of the convicted person, since, in our opinion, labor education is aimed at making the convicted person aware of the need to continue

working or educational activities, since for the process of correction and adaptation, it is necessary to be a member of the team, which also affects the formation of positive thinking. Only being in a society, the individual is able to realize himself. It is important that employers do not turn away from those sentenced to the restriction of liberty, and give them an opportunity to improve. For example, in the Russian Federation, in the field of labor education, active assistance is provided to those sentenced to imprisonment and little is done for those sentenced to punishments that are not related to isolation from society (Khantseva, G. G. 2009, p. 102).

However, educational work will only be effective if it is carried out on an individual basis, since this is the only way to establish close psychological contact with the convicted person, to discuss in more detail the problems that have arisen, and to put the convicted person on the path to overcoming the negative influence of the criminal environment. There is an opinion that the greatest effectiveness of individual counseling can be achieved if certain conditions are met: the desire of the convicted person to change, the authority of the psychologist's personality, and the establishment of the necessary contact (Solonenko, N. & Mel'nikova, A. 2007, p. 20). As you know, the main elements of individual educational work are:

- the study of the convict's personality, taking into account all its features;
- choosing the form of educational influence;
- implementation of the relevant action plan;
- conducting an analysis of the events results.

The first two elements are fundamental, and it depends on them whether the goals of the educational event will be achieved or not. The study of the personality of the convicted person is carried out during the entire period of serving his sentence. This process begins with filling out the personal file of the convicted person, studying his questionnaire. At this stage, it is important to assess the marital status of the

convicted person, the level of his education and personality characteristics.

However, the implementation of the goals of any punishment, including the restriction of liberty, is fully achieved when the bodies implementing the punishment can apply incentives or penalties. Psychologically, a person is able to accept any way of life, against which he cannot protest, remaining alive. In other words, a person can get used to everything (Rozhkov, S. A. 2013). Criminal punishment is a time-consuming process, and in the course of this process, a person adapts to the circumstances in which he is forced to be. This, of course, makes it difficult to realize the goals of punishment, since the convicted person no longer thinks about what he has done, but simply continues to live the life in which he found himself while serving his sentence. A lot of hardships and restrictions quickly cease to be perceived as payback for what they have done, and begins to become a part of life, and if these hardships are significant for a person, he perceives them not as punishment, but as his own suffering, while less significant hardships become a habit.

In our opinion, the incentive measures are primarily aimed at correcting the motivation of the convicted person, encouraging law-abiding behavior at the time of serving the sentence, and putting him on the path of correction. Encouragement for correct behavior increases the desire to continue this way of behavior, that is, it acts positively. At the same time, according to the results of an anonymous survey of citizens, absolutely everyone noted that encouragement in any form has a positive effect on all types of activities and on behavior in general. In this regard, it is necessary to carry out measures to increase the use of incentive measures by the inspection staff.

Thus, we have considered the main means of ensuring the execution of punishment in the form of restriction of liberty, which allows us to draw some conclusions.

1. The means of enforcing the restriction of liberty are designed to create a reliable

legal guarantee of the implementation of the inevitability principle of punishment and the fullest possible realization of the goals of punishment. Conditionally, they can be divided into control and supervisory and psychological and educational means.

2. Currently, there is no practice in Uzbekistan of using electronic means of control and supervision of persons sentenced to restriction of liberty. At the same time, only the implementation of the electronic tracking tools specified in the legislation for the control and supervision of persons sentenced to restriction of liberty, the definition of a specific order and methods of surveillance can affect the development of positive experience in the use of electronic bracelets in Uzbekistan.

3. A special category of persons sentenced to restriction of liberty is juveniles. When conducting educational work with them, it is necessary to take into account the factors that affect the behavior of juveniles. In this regard, we propose to create a public organization consisting of juveniles at the age of 14 to 18 years, located at the inspection of sentences execution of the internal affairs bodies and conducting educational activities with juveniles sentenced to restriction of liberty.

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Adas'kova S. B.**Адаськова С. Б.**

THEORETICAL ANALYSIS OF APPROACHES TO THE STUDY OF I-CONCEPT IN THE CONTEXT OF CONVICTS' CORRECTION

ТЕОРЕТИЧЕСКИЙ АНАЛИЗ ПОДХОДОВ К ИССЛЕДОВАНИЮ Я-КОНЦЕПЦИИ В КОНТЕКСТЕ ИСПРАВЛЕНИЯ ОСУЖДЕННЫХ

Abstract. The relevance of the problem considered in the article is due to the need for effective implementation of convicts' correction, the formation of their readiness to lead a law-abiding lifestyle after release, as well as a set of mental properties that determine the subjective need for lawful behavior in the main spheres of life. These goals can be achieved through the implementation of psychological support for correctional work with convicts. Psychological analysis of the reasons for committing crimes, current trends, scope and specifics of psychological work with persons serving sentences in correctional institutions requires studying the features of their "I-concept". The theoretical studies of the concept of "I-concept" in psychological science are analyzed, approaches to the relationship of I-concept with the concepts of "self-consciousness", "I-image", "self-esteem", "self-knowledge" are considered in the article. The author's definition of the concept of "I-concept" is presented: this is a complex holistic model in the relationship of all its structural elements in the context of their meaning and role to explain the significant psychological processes that occur with convicts at various stages of serving a sentence, and to determine the directions of an adequate differentiated psychocorrectional impact on convicts who have committed various crimes.

Keywords: research, I-concept, self-consciousness, I-image, self-relation, self-knowledge.

Аннотация. Актуальность рассматриваемой в статье проблемы обусловлена необходимостью эффективного осуществления исправления осужденных, формирования у них готовности к ведению правопослушного образа жизни после освобождения, а также совокупности психических свойств, детерминирующих субъективную необходимость правомерного поведения в основных сферах жизнедеятельности. Данные цели могут быть достигнуты посредством осуществления психологического сопровождения воспитательной работы с осужденными. Психологический анализ причин совершения преступлений, актуальные направления, объем и специфика психологической работы с лицами, отбывающими наказание

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в исправительных учреждениях, требуют изучения особенностей их Я-концепции. В статье осуществлен анализ теоретических исследований понятия «Я-концепция» в психологической науке, рассмотрены подходы к соотношению Я-концепции с понятиями «самосознание», «Я-образ», «самооценка», «самопознание». Представлено авторское определение понятия «Я-концепция» – это сложная целостная модель во взаимосвязи всех ее структурных элементов в контексте их значения и роли для объяснения значимых психологических процессов, происходящих с осужденными на различных этапах отбывания наказания, и определения направлений адекватного дифференцированного психокоррекционного воздействия на осужденных, совершивших различные преступления.

Ключевые слова: исследование, Я-концепция, самосознание, Я-образ, самоотношение, самопознание.

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The relevance of the problem under consideration is due to the need for effective implementation of convicts' correction, the formation of their readiness to lead a law-abiding lifestyle after release, as well as a set of mental properties that determine the subjective need for lawful behavior in the main spheres of life. These goals can be achieved through the implementation of psychological support for upbringing work with convicts. Psychological analysis of the reasons for committing crimes, current trends, scope and specifics of psychological work with persons serving sentences in correctional institutions requires studying the features of their I-concept.

The problem of I-concept, its structure and content is widely discussed in the scientific literature. However, the nature of the use of this concept is arbitrary, and the features of the research of the phenomenon of "I-concept" are largely influenced by the theoretical orientations of researchers, their dependence on the scientific school. For example, E. S. Shil'shteyn (2001, p. 26) points out that the concept of "I-concept" can include anything, "because a person can think of himself in any terms". In addition, the context of considering the category of "I-concept" largely depends on the branch of psychology in which it is studied. From the standpoint of developmental psychology and age psychology, the problem of "I-concept" was considered by V. S. Merlin, V. S. Mukhina, M. I. Lisina, E. N. Lebedenko, A. A. Rean, V. I. Slobodchikov, L. V. Kochkina, Zh. A. Maksimenko, K. V. Koloskova, E. N. Vasina. The "I-concept" study in formational psychology was carried out by V. A. Vedinyapina, N. G. Amurova, M. V. Vasilets, G. V. Orlova. As a particular type of "I-concept", some authors distinguish the professional "I-concept" (S. T. Dzhaner'yan, G. V. Orlova, M. V. Vasilets). In the context of penitentiary psychology, A. N. Pastushenya, E. V. Chernysheva, and O. I. Sochivko were engaged in the development of the problem of "I-concept". In a number of works, individual processes are investigated, as a result of which

"I-concept" is formed, so S. A. Minyurova, V. V. Bayluk reveal the concept of "self-knowledge of the individual", S. R. Pantileev, N. I. Sardzhveladze, E. N. Vasina consider the self-relation and its derivatives. The objective of this study is to specify the concept of "I-concept" as an integrative mental formation that determines the social and legal behavior of convicts during the period of serving their sentence and determines their lifestyle after release from a correctional institution.

In the scientific literature, there are various approaches to the definition of the concept of "I-concept". It is often associated with self-consciousness, I-image, and with such self-processes as self-attitude, self-knowledge, and self-esteem, but researchers' views on the relationship of the above-mentioned concepts are ambiguous and depend on the theoretical context.

A significant layer of "I-concept" research, revealing its various aspects, is associated with the development of the concepts of "consciousness" and "self-consciousness". The content analysis of the literature shows that there are different points of view on the relationship between the concepts of "I-concept" and "self-consciousness" (Ivashchenko, A. V., Agapov, V. S. & Baryshnikova, I. V. 2000). A number of authors (T. A. Chernova, E. N. Lebedenko, Z. V. Diyanova, T. M. Shchegoleva, I. M. Belova, Yu. A. Parfenov, D. V. Sologub, E. A. Nekhyadovich, A. A. Nalchad-zhan) hold the view that the concept of "self-consciousness" is generic in relation to the concept of "I-concept", and refer the latter to the central formation of self-consciousness, its final product. There are other views on the relationship between "I-concept" and self-consciousness. Thus, V. S. Agapov, A. V. Ivashchenko, and I. V. Baryshnikova point out that self-consciousness is a component of "I-concept"; A. A. Nalchadzhan, A. B. Orlov, I. I. Chesnokova, A. G. Abdullin, E. R. Tumbasova use the concepts of "I-concept" and "self-consciousness" as synonyms.

The question of the relation of “I-concept” to the concept of “I-image” also remains debatable in psychological science. Researchers look at this problem in different ways – from identification to the inclusion of “I-image” in the “I-concept”. Thus, I. S. Kon (1981), noting the duality of the I, refers “I-concept” and I-image to the reflexive I and does not separate these concepts. Considering the I-image and the “I-concept” within the framework of the model of the readiness of convicts’ personality for a law-abiding lifestyle, A. N. Pastushenya (2013) considers these concepts synonymous, including them in the system of personal properties of a law-abiding person. A. A. Nalchadzhyan considers I-images to be interconnected substructures of “I-concept”. I-images, in turn, he divides into stable and situational (dynamic). Dynamic I-images surround “I-concept” and are actually conscious parts of I-concept and stable I-images (Nalchadzhyan, A. A. 2010, pp. 185–186). Z. V. Diyanova, T. M. Shchegoleva (2017, pp. 137–143), analyzing this problem, note that some people’s ideas about themselves are not formed in a stable “I-concept”, but function in the form of situational I-images. E. N. Lebedenko (2007, p. 132) shares these concepts, considering the I-image as a dynamic system of a person’s ideas about himself, which includes three levels (central, social, integrating) and is part of the “I-concept”, which is the product and result of self-consciousness, provides a tactic of a person’s self-presentation.

Based on the main objectives of this study, we support the point of view of E. S. Shil’shteyn (2001) that despite the variety of approaches, there must be some properties in the “I-concept” that most researchers agree with. The identification of these properties can be achieved by considering the “I-concept” as an integrative mental formation having a complex structure, the elements of which are closely interrelated and have a mutual influence on each other. This view corresponds to the consideration of the phenomenon of “I-concept” from the standpoint of an integrative (system)

approach (A. V. Ivashchenko, V. S. Agapov, I. V. Baryshnikova, O. B. Popova, A. A. Budnitskiy, E. A. Levkova, I. M. Belova, Yu. A. Parfenov, D. V. Sologub, E. A. Nekhvyadovich, E. S. Shil’shteyn, K. V. Koloskova), which corresponds to the complex system-integral and structural-hierarchical nature of the subject of “I-concept” (Ivashchenko, A. V. 1998). From the standpoint of the integrative approach, the I-concept is characterized as:

- a relatively stable system of self-directed attitudes, a system of self-concepts and self-perceptions of the subject, a system of multiple I, formed on the basis of interactions with the environment, developing in the process of self-actualization of the individual on the basis of a positive attitude to oneself, reflecting the continuity of self-concepts in time, contributing to the analysis of the past, the definition of the present, the anticipation of the future (Baryshnikova, I. V. 1998, pp. 7, 17–20);

- integrative system personality-semantic formation, which includes in a generalized (at different levels and different degrees) quality the integral of the main life relations of the personality and their numerous specific ways of realization, expression and embodiment (Agapov, V. S. 2004);

- system integral mental formation, implemented in such areas as cognitive, emotional, volitional, behavioral, accumulating ideas, knowledge of the subject about himself, personal semantic formation, the experience of the subject’s assessment, self-assessment of their own properties and qualities, their capabilities and limitations, manifested in the life strategy (Ivashchenko, A. V., Agapov, V. S. & Baryshnikova, I. V. 2000).

Thus, the integrative approach allows us to give a systematic comprehensive definition of the I-concept of convicts’ personality – this is a complex holistic model in the relationship of all its structural elements in the context of their meaning and role to explain the significant psychological processes that occur with convicts at various stages of serving a sentence, and to determine the directions of an adequate

differentiated psychocorrection impact on convicts who have committed various crimes.

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Адилбекова А. В.

Adilbekova A. V.

THE CONCEPT OF PROBATION AND THE IMPLEMENTATION OF PROBATION CONTROL OVER PERSONS WITH A SUSPENDED SENTENCE IN THE REPUBLIC OF KAZAKHSTAN

ПОНЯТИЕ ПРОБАЦИИ И ОСУЩЕСТВЛЕНИЕ ПРОБАЦИОННОГО КОНТРОЛЯ ЗА УСЛОВНО ОСУЖДЕННЫМИ ЛИЦАМИ В РЕСПУБЛИКЕ КАЗАХСТАН

Abstract. The article is devoted to the issues related to the formation of the state probation service in the Republic of Kazakhstan and the legislative regulation of its activities. Possible prospects for the development of this service are outlined, taking into account foreign experience, and some aspects of improving the system of execution of non-custodial sentences are also studied. Probation is presented as criminal supervision (criminal guardianship). Based on the conducted research, the author comes to the conclusion that probation should be understood as a set of measures aimed at social rehabilitation and adaptation, protection of the legal rights and interests of persons who have been prosecuted and found themselves in the current difficult life situation, as well as control and supervision of their behavior. The essence of probation is that, along with serious restrictions on the daily living conditions of the offender, in case of violation of the order and conditions of serving a sentence without deprivation of liberty, probation period of a suspended sentence, they can be replaced by real imprisonment.

Keywords: probation, probation service, alternative to deprivation of liberty forms of punishment, penitentiary system, penal inspections.

Аннотация. В статье рассматриваются вопросы, связанные со становлением в Республике Казахстан государственной службы пробации, законодательным регулированием ее деятельности. Обозначены возможные перспективы развития этой службы с учетом зарубежного опыта, а также изучаются некоторые аспекты совершенствования системы исполнения наказаний, не связанных с лишением свободы. Пробация представлена в качестве уголовного надзора (уголовной опеки).

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На основании проведенного исследования автор приходит к выводу о том, что под пробацией необходимо понимать комплекс мер, направленных на социальную реабилитацию и адаптацию, защиту законных прав и интересов лиц, подвергшихся уголовному преследованию и оказавшихся в сложившейся трудной жизненной ситуации, а также контроль и надзор за их поведением. Суть пробации заключается в том, что, наряду с серьезными ограничениями повседневных жизненных условий правонарушителя, в случае нарушения порядка и условий отбывания наказания, не связанного с лишением свободы, испытательного срока условного осуждения возможна их замена на реальное лишение свободы.

Ключевые слова: пробация, служба пробации, альтернативные лишению свободы виды наказания, пенитенциарная система, уголовно-исполнительные инспекции.

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The history of probation development in Kazakhstan dates back to February 15, 2012, when the head of state signed the law “On amendments and additions to certain legislative acts of the Republic of Kazakhstan on Probation Service issues”. The Law provided for the creation of a probation service in the structure of the penitentiary system, formed to assist convicts in obtaining social and legal support. The need for the institutional development of a specialized body responsible for the execution of criminal law measures not related to the isolation of convicted persons from society was also noted in the Concept of the Legal Policy of the Republic of Kazakhstan for the period from 2010 to 2020.

Probation – a foreign word (from Lat. *probatio* – testing). In the legislation of a number of countries (USA, UK, etc.) it means a suspended sentence. The effectiveness of this institute cannot be assessed without studying foreign experience. In this regard, we have analyzed the most advanced probation systems of foreign countries.

In the penitentiary systems of many countries of the world, the probation service is the most important institution in the field of criminal justice and crime prevention. In the materials of the United Nations, probation is defined as a conditional suspension of the execution of a sentence with the placement of the offender under individual supervision for this time, with the provision of guidance or a correctional course (*The concept of probation in the criminal law of modern foreign countries* n. d.). The criminal legislation of a number of countries (for example, Sweden, Finland, Latvia) defines a suspended sentence as a criminal punishment, in other countries (England, Denmark), a suspended sentence is attributed to other measures of criminal legal influence, and in Estonia it is defined as an institution of exemption from criminal punishment. In practice, this important institution of crime prevention is implemented in the form of a probation service. In different states, this service has differences in the

performed functions. For example, in Sweden, the peculiarity of probation as an independent measure is that it can be combined with a number of criminal legal measures: the payment of a fine, the performance of free socially useful work, etc. In the Republic of Latvia, the probation service is a state institution that takes care of public safety and works with persons serving criminal sentences in society (suspended sentences, forced labor), that is, probation is applied as a punishment. In Denmark, the institution of probation is another measure of a criminal nature. There are also states where probation is associated with release from punishment, for example in Estonia. It can be said that the essence of probation consists in the establishment of certain restrictions and duties imposed on the convicted person and carried out under the supervision of the probation service for the purpose of his rehabilitation. In addition, the probation institute provides for other measures designed to assist the convicted person. The main distinguishing feature of probation is the conditional non-execution of the sentence (or the punishment is not imposed at all, as, for example, in England, the United States and France) with the appointment of a special official (agent, assistant, commissioner, etc.) who monitors the behavior of the convicted person and the performance of certain duties and conditions of probation.

In the Republic of Kazakhstan, the criminal legislation does not define the legal nature of a suspended sentence, but, despite this, a suspended sentence is associated with one main goal – to achieve the correction of the convicted person without actually serving a criminal sentence. The use of a suspended sentence, in addition to solving this problem, affects the reduction of persons serving sentences with isolation from society, saves budget funds for their maintenance in correctional institutions, and also contributes to a more effective solution of the tasks of general and special prevention. Conditional sentences are widely used in the practice of Kazakhstan

courts. In accordance with the requirements of Article 63 of the Criminal Code of the Republic of Kazakhstan, the courts impose on convicted persons the performance of certain duties during the probation period. The criminal and criminal procedure legislation of the Republic of Kazakhstan does not contain norms that would disclose the concept and content of probation, from which it should be concluded that in accordance with the previously named Law, probation is not a category of criminal law and not criminal procedure. We believe that it is important as a type of criminal punishment under the conditions of the convicted person's stay in society, but under the supervision of a special service for a period of time and with certain restrictions (fulfillment of obligations) established by the court. Thus, probation belongs to the penal categories.

Not so long ago, a new progressive institute of probation has been operating in the penitentiary system, which provides for the provision of social and legal assistance to convicts. The creation of such a service is another step towards reducing the level of crime, especially recidivism, taking care of the state's citizens who have stumbled, helping them to correct themselves without the use of extreme measures of liberty deprivation. The creation of a probation service in Kazakhstan is currently particularly relevant in connection with the humanization of the penal system. In addition, the expansion of the scope of punishments without isolating convicts from society makes it possible to reduce the burden on the state budget from an economic point of view.

For quite a long time, the counteraction to crime was limited to the identification, disclosure, investigation, and prosecution of persons who committed criminal offenses. Previously, the topic of preventing new criminal offenses by persons who previously committed them remained secondary and did not have a legal, systematic, permanent and consistent character, that is, everyone was engaged in it little by little and purposefully.

As a result, recidivism persisted and a fairly small percentage of individuals returned to a normal, law-abiding social life. The situation began to change in 2012, when the process of legislative introduction of probation elements in the state's penal system began. It was most fully expressed with the adoption on 30.12.2016 of the consolidated Law of the Republic of Kazakhstan No. 38-VI "On Probation" for the first time. This Law regulates relations in the field of organization of probation functioning, establishes the goals, objectives and principles of its activities, as well as the legal status of persons in respect of whom probation is applied. According to the law, probation is understood as a system of activities and individually defined measures of a control and socio-legal nature aimed at correcting the behavior of persons whose categories are defined by criminal and criminal procedure legislation, in order to prevent them from committing new criminal offenses.

The purpose of probation is to correct the behavior of the suspect, accused in the pre-trial stages of the criminal process; resocialization of the convicted person in places of deprivation of liberty as one of the types of social rehabilitation of the person; social adaptation and rehabilitation of the person released from the correctional institution. These innovations are the implementation of the provisions of the draft concept "10 measures to reduce the prison population" as part of the withdrawal of Kazakhstan from the number of countries leading in the "prison population". Thus, according to Article 7.1 of the Penal Code of the Republic of Kazakhstan: "Probation in the penitentiary system is a set of social and legal measures developed and implemented by the probation service of penal inspection individually in relation to each probationer during the probation period and being under probation control for further correction of their behavior in order to prevent them from committing new crimes."

According to the Law of the Republic of Kazakhstan No. 38-VI adopted on 30.12.2016,

probation is understood as a system of activities and individually defined measures of a control and socio-legal nature aimed at correcting the behavior of persons whose categories are defined by law, in order to prevent them from committing criminal offenses. The key tasks of the probation service are to perform executive and administrative functions to ensure the execution of criminal sentences without isolation from society, to assist convicted persons who are on record in obtaining social and legal assistance. When creating the probation service, the experience of European countries in applying alternative non-custodial sentences to offenders was largely taken into account. The reform of the prison system, which is being conducted in accordance with international standards, is based on a clear understanding that isolation alone cannot improve the offender.

Based on the above, we believe that probation should be understood as a set of measures aimed at social rehabilitation and adaptation, protection of the legal rights and interests of persons who have been prosecuted and found themselves in the current difficult life situation, as well as control and supervision of their behavior. The essence of probation is that, along with serious restrictions on the daily living conditions of the offender, in case of violation of the order and conditions of serving a sentence not related to deprivation of liberty, probation of a suspended sentence, they can be replaced by real imprisonment.

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PROBLEMS OF PENALTY EXECUTION IN THE FORM OF DEPRIVATION OF THE RIGHT TO FREE MOVEMENT IN MONGOLIA

ПРОБЛЕМЫ ИСПОЛНЕНИЯ НАКАЗАНИЯ В ВИДЕ ЛИШЕНИЯ ПРАВА НА ПЕРЕДВИЖЕНИЕ В МОНГОЛИИ

Abstract. Mongolia's criminal policy after the legal reform is focused on the use of non-custodial criminal penalties. For this reason, there is a problem of understanding the social and legal content of these types of punishment. The analysis of the current criminal legislation and the practice of sentencing allowed the authors to draw certain conclusions about the problems of application and execution of punishment in the form of restrictions on the right to free movement.

Keywords: criminal punishment, deprivation of the right to free movement, crime.

Аннотация. Уголовная политика Монголии после правовой реформы ориентирована на применение уголовных наказаний, не связанных с лишением свободы. По этой причине возникает проблема понимания социально-правового содержания этих видов наказания. Анализ действующего уголовного законодательства, практики назначения наказаний позволил авторам сделать определенные выводы о проблемах применения, исполнения наказания в виде ограничения права на свободное передвижение.

Ключевые слова: уголовное наказание, лишение права на свободное передвижение, преступление.

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At the end of the XIX century, the question of the expediency of widespread use of punishment in the form of imprisonment and alternatives to this type of punishment began to be discussed. At the Stockholm Congress in 1878, the preventive and rehabilitative role of probation was defined as a measure that provides many benefits to both society and convicts. At the congress held in Rome in 1885, the following alternatives to short-term imprisonment were proposed: a fine, a judicial reprimand, forced labor without deprivation of liberty and restrictions on the choice of work place. The United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Geneva, 1955) attention was drawn to the importance of applying non-custodial sentences.

Over the past 5 years, the legal system of Mongolia has undergone considerable changes. A constitutional reform is currently under way. Many changes have taken place in the criminal and penal legislation. In 2015, the new Criminal Code of Mongolia was adopted, and in 2017 – the Law on the Court Decisions Enforcement. New types of punishments were introduced for persons who committed criminal acts: deprivation of the right, socially useful work, deprivation of the right to move. Article 5.2 of the Criminal Code of Mongolia states that the penalty of deprivation of the right to free movement will be applied as the main type of punishment. The penalty of restricting the right to travel cannot be replaced by a fine.

In connection with the adoption of the Criminal Code of Mongolia in 2015, in order to reduce the prison population and reduce the cost of maintaining prisoners sentenced to imprisonment, the court was given the opportunity to impose alternative sentences to imprisonment. But after the start of the Criminal Code, one of the five types of punishment was not applied. This applies to the penalty of restricting the right to move. It was planned to create an electronic monitoring center worth \$ 9.5 million and buy electronic bracelets from South Korea, where these devices are widely used.

It should be noted that in Mongolia there is an increase in crime, which indicates the need to apply modern technological advances to prevent new crimes. So, in 2017, 5,475 crimes were registered, in 2018 – 5,641, and in 2019 – 5,895. In recent years, there has been a trend towards an increase in the number of people sentenced to non-custodial sentences, but the number of people sentenced to imprisonment is also growing (Table 1). First of all, this is due to the non-application of an alternative punishment to deprivation of liberty in the form of restriction of the right to movement.

It should be noted that the punishment in the form of restriction of the right to movement is provided for by more than 100 elements of crimes as the main type of punishment, as an alternative to imprisonment. After the adoption of the Criminal Code of Mongolia in 2015, the

Table 1

Data on the number of imposed sentences

Type of punishment	Number of convicted persons by years		
	2017	2018	2019
Fine	2768	7437	8741
Socially useful works	710	1683	1820
Deprivation of liberty	4596	3245	3505

Source: data from the National Statistical Committee of Mongolia, http://www.1212.mn/tables.aspx-?TBL_ID=DT_NSO_2300_001V1, viewed 14 October 2020.

Table 2

Crime statistics in regions

Region	Number of committed crimes		
	2017	2018	2019
Cities	4191	4373	4607
Other regions	1284	1268	1288

Source: data from the National Statistical Committee of Mongolia, http://www.1212.mn/tables.aspx-?TBL_ID=DT_NSO_2300_001V1, viewed 14 October 2020.

application of this type of punishment was postponed until 01.01.2019, and in February 2019 until 01.01.2021. The current situation can be explained by the following reasons:

1. Lack of necessary software and hardware. This should be treated critically, since the calculations for the purchase of such funds from South Korea were carried out in 2015, when the first-generation electronic bracelets were used there. In the future, South Korea will begin to use the latest generation of devices similar to the so-called smart watches, which can determine, in addition to the location, the pulse of a person. The Mongolian people have a proverb “Prepare a can before you milk the cow”, that is, first you should prepare technical means for the application of punishment in the form of restriction of the right to move.

2. As of 2018, Mongolia had a population of 3,238,479. 2,197,970 people lived in cities, 1,040,509 in the regions, and more than 80% of those living in the regions were engaged in cattle breeding (in the steppes). It is also worth noting those who were engaged in reindeer husbandry and lived far from civilization, where to some extent the so-called law of the taiga applies. Naturally, in these areas there are no mobile networks and electricity, which are necessary to maintain the operation of the electronic bracelet. Table 2 shows crime statistics in regions.

Although most crimes are committed in cities, more than 50% of the perpetrators are newcomers from remote areas. It should be noted that in the regions, most committed crimes are such as cattle theft, for which the penalty is provided in the form of restriction of the right to move from 6 months to 5 years. For example, in 2019, 1,681 cattle thefts were registered (in the regions).

So, restriction of freedom as the main type of punishment, not related to deprivation of liberty, was introduced in the new Criminal Code of Mongolia. But 3 years after the beginning of the Criminal Code, we could not see its real application and judge the shortcomings, develop measures for its further improvement. It remains questionable whether this type of punishment will be effective for people with a special way of life.

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Bulko N. V.**Булко Н. В.**

FEATURES OF LIFE-MEANING ORIENTATIONS AMONG CONVICTS SENTENCED FOR DIFFERENT TYPES OF CRIMES

ОСОБЕННОСТИ СМЫСЛОЖИЗНЕННЫХ ОРИЕНТАЦИЙ ОСУЖДЕННЫХ ЗА РАЗНЫЕ ВИДЫ ПРЕСТУПЛЕНИЙ

Abstract. The article is devoted to the relationship between the type of crime for which the convicted person is serving a sentence, the level of education, the presence of socially useful connections, the age of the convicted person and the level of his life orientation, which includes such indicators as: the general indicator of the meaningfulness of life, goals in life, the process of life, the effectiveness of life, the locus of control – I, the locus of control – life. The attitude of convicts to such vital components as: health, family, future, self-realization in work was also studied. The study used the “Test of life-meaning orientations” by D. Crambo, A. Maholik in the adaptation of D. A. Leont’ev, and the color test of relations by A. M. Etkind. In order to study life-meaning orientations and preferences in different spheres of life, 93 convicts serving sentences for various crimes were examined. The results of the study of convicts’ personality characteristics can be used by correctional officers to identify problematic aspects in the development of convicts’ personality, develop programs aimed at solving these problems and develop the strengths of convicts’ personality.

Keywords: meaning-life orientations, goals in life, the process of life, performance in life.

Аннотация. В статье рассматривается взаимосвязь вида преступления, за которое осужденный отбывает наказание, уровня образования, наличия социально-полезных связей, возраста осужденного и уровня его смысложизненной ориентации, куда входят такие показатели, как: общий показатель осмысленности жизни, цели в жизни, процесс жизни, результативность жизни, локус контроля – Я, локус контроля – жизнь. Исследовалось также отношение осужденных к таким жизненным составляющим, как: здоровье, семья, будущее, самореализация в трудовой деятельности. В исследовании были использованы «Тест смысложизненных ориентаций» Д. Крамбо, А. Махолика в адаптации Д. А. Леонтьева, цветовой тест отношений (ЦТО) А. М. Эткинда. Для изучения смысложизненных ориентаций и предпочтений в разных сферах жизни было обследовано 93 осужденных, отбывающих наказание за совершение различных преступлений. Ре-

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зультаты исследования особенностей личности осужденных могут быть использованы сотрудниками исправительных учреждений для выявления проблемных сторон в развитии личности осужденных, разработки программ, направленных на решение этих проблем и развитие сильных сторон личности осужденных.

Ключевые слова: смысложизненные ориентации, цели в жизни, процесс жизни, результативность в жизни.

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Recently, in the work of correctional institutions much attention is paid to the prevention of acts that have a criminal risk among convicts serving sentences in closed correctional institutions. This work is aimed at preventing the person from committing a new crime after release.

Meaning-life orientations are a holistic system of conscious and selective connections that reflects the orientation of the individual, the presence of life goals, the meaningfulness of choices and assessments, satisfaction with life (self-realization) and the ability to take responsibility for it, influencing its course (Kaunova, N. G. 2006, p. 1). The study of the life-meaning orientations of convicts who are serving their sentences for the first time allows us to identify possible reserves of the effectiveness of personal growth, self-determination and formation of this category of people. The development of life-meaning orientations among convicts is an important part of the work of correctional psychologists, since during the period of serving their sentence they experience many problems, namely: negative experiences associated with deprivation of liberty; inability to self-regulate behavior and activities; search for the optimal mode of work and rest in new living conditions; lack of the previous social environment, including family members and relatives. The study of life-meaning orientations makes it possible to identify the weaknesses of the convicts' personality: lack of life goals; dissatisfaction with the process of life; shifting responsibility for what is happening in life to circumstances and other people. This makes the work of psychologists and employees of other correctional services problem-oriented, aimed at correcting the weaknesses of convicts' personality, which in the future may lead to the commission of acts that have a criminal risk, and the recidivism

Depending on the type of crime committed by the convicted person: economic, violent, related to the possession and distribution of narcotic substances – the overall indicator of

the meaningfulness of the convict's life, its three components of life-meaning orientations (goals in life, saturation of life and satisfaction with self-realization) and two aspects of the locus of control vary (the locus of control – I and the locus of control – life). The following diagnostic tools were used in the study: "The test of life-meaning orientations" by D. Crambo, A. Maholik in the adaptation of D. A. Leont'ev (2000, p. 18), color test of relations by A. M. Etkind (1987, p. 220–226). To study the meaning of life orientations and preferences in different spheres of life, we conducted a study in which 93 convicts serving sentences under various articles took part.

In order to obtain a complete understanding of such a concept as meaning-life orientation, it is necessary to determine its components. Goals in life are tasks that fill it with meaning and help a person determine his life orientation. The lack of life goals causes the degradation of personality, stops the process of personal development and leads to a decrease in the quality of life. The ability to set goals contributes to the development of the personality and increase the level of satisfaction with life in general. The process of life – satisfaction with emotional saturation and fullness of meaning in the present time. The effectiveness of life – the assessment of the passed segment of life, satisfaction with self-realization and productivity of one's life activity. This indicator of life-meaning orientation was higher among convicts serving sentences for economic crimes; since this category of convicts has a fairly high level of education (most of them have higher education). Also, the average and high level of this indicator is due to the presence of socially useful connections: a spouse, children. Convicted persons whose deprivation of liberty is associated with serving a sentence for economic crimes have an average or high level according to the above indicators. A high level was found among convicts serving sentences for possession and distribution of narcotic substances. This is due to the fact that this category of convicts, as a rule, has

a specialized secondary or higher education, maintains socially useful connections.

In the course of the study, we analyzed the relationship between the life-meaning orientations of convicts and their attitude to further employment after release, family relations and education. Depending on the article under which the convicted person is serving his sentence, the attitude to work, family and education is more positive, and is aimed at the further development of these areas of life. This category of special contingent includes people serving sentences for economic articles and articles related to the possession and distribution of narcotic substances. Convicted persons serving sentences for possession and distribution of narcotic substances are special contingent, whose age category, as a rule, is within 30 years, their level of education is higher than that of convicted persons serving sentences for violent crimes, and persons who have violated the established rules and whose penalty was changed to imprisonment.

Convicts serving sentences for violent crimes and those for whom the penalty was changed to imprisonment showed a low level of locus of control – life, which suggests that this category of convicts has a belief that a person's life is not subject to conscious control, that freedom is illusory, and it is pointless to make any plans for the future. The low level of this indicator shows the lack of responsibility for the actions and behavior that led to the deprivation of liberty, and the main reason is the combination of circumstances and the activities of other members of society.

The formation of life-meaning orientations can be considered as one of indicators of convicts' readiness for life in freedom. A study was also conducted on the test of color relations of such concepts as: health, future, self-realization in work and family. Most of the convicts showed a positive attitude to health, they do not have health-related difficulties. Some convicts had difficulties in building a color series according to this concept, since they do not have problems related to their state of

health and consider it normal, something taken for granted. A large percentage of convicts have a positive attitude to their future, because they are serving their sentence for the first time and believe that their stay in a correctional institution is a mistake that they will not make again after their release. A more positive attitude to the concept of self-realization in work has convicts whose age category is within the range of up to 40 years, which is associated with the possibility of acquiring skills that will contribute to self-realization in this area of life.

The attitude to the concept of family was more positive among convicts serving sentences for economic crimes and crimes related to the possession and distribution of narcotic substances. This category of convicts maintains relations with their family members, who provide them with both moral and material support during the period of serving their sentence. Convicted persons serving sentences related to violent crimes are less likely to maintain relations with close relatives, since they led an antisocial lifestyle, which was the reason for the lack of close relations with family members who are ready to support the convicted person in prison.

The study of convicts' personality characteristics will help the correctional institution staff to carry out their diagnosis qualitatively, identify problematic aspects in the development of the convict's personality, develop programs aimed at solving these problems and developing the strengths of the convict's personality, which will ultimately contribute to obtaining a positive result in the activities of correctional officers.

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Krudu A. S.**Круду А. С.**

ANALYSIS OF PROGRESSIVITY, NORMALITY AND RESPONSIBILITY PRINCIPLES IN THE PROGRESSIVE SYSTEM OF SERVING CRIMINAL SENTENCES IN THE FORM OF IMPRISONMENT

АНАЛИЗ ПРИНЦИПОВ ПРОГРЕССИВНОСТИ, НОРМАЛЬНОСТИ И ОТВЕТСТВЕННОСТИ В ПРОГРЕССИВНОЙ СИСТЕМЕ ОТБЫВАНИЯ УГОЛОВНЫХ НАКАЗАНИЙ В ВИДЕ ЛИШЕНИЯ СВОБОДЫ

Abstract. Ensuring the proper functioning of the progressive system of serving a criminal sentence in the form of deprivation of liberty is an urgent problem for the Republic of Moldova. The international recommendations in this area, as well as the practice of other states that apply the progressive system, in order to identify the most optimal solutions for its implementation are analyzed in the article. Special literature is studied, in which important studies is conducted on the role of sentences execution principles in achieving their goals. Recommendations for changing the existing regulatory framework are formulated. According to the results of the study, the author comes to the conclusion that although most of the principles reflected in the Penal Code of the Republic of Moldova are characteristic of a progressive system of serving sentences, their list is incomplete. International practice recognizes the important role of the principles of normality, responsibility and progressivity in a progressive system of serving a sentence of imprisonment. Therefore, in order to intensify the national correctional process and achieve more effective results in the execution of criminal penalties, it is necessary to expand the list of principles enshrined in the Penal Code of the Republic of Moldova and to create correctional mechanisms that correspond to their proper application.

Keywords: penitentiary institutions, principles, progressivity, the principle of “throughcare”, the principle of normality, risk assessment.

Аннотация. Обеспечение надлежащего функционирования прогрессивной системы отбывания уголовного наказания в виде лишения свободы является актуальной проблемой для Республики Молдова. В статье проанализированы меж-

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дународные рекомендации в данной области, а также практика других государств, применяющих прогрессивную систему, с целью выявления наиболее оптимальных решений при ее реализации. Изучена специальная литература, в которой проведены важные исследования роли принципов исполнения наказаний в достижении их целей. Сформулированы рекомендации по изменению существующей нормативной базы. По результатам проведенного исследования автор приходит к выводу о том, что хотя большинство принципов, отраженных в Исполнительном кодексе Республики Молдова, характерны для прогрессивной системы отбывания наказания, их список является неполным. Международная практика признает важную роль принципов нормальности, ответственности и прогрессивности в прогрессивной системе отбывания наказания в виде лишения свободы. Следовательно, для интенсификации национального исправительного процесса и достижения более эффективных результатов при исполнении уголовных наказаний необходимо расширить перечень принципов, закрепленных Исполнительным кодексом Республики Молдова, и создать исправительные механизмы, соответствующие их надлежащему применению.

Ключевые слова: пенитенциарные учреждения, принципы, прогрессивность, принцип «throughcare», принцип нормальности, оценка рисков.

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The study of the principles of penal law, taking into account their significance in the context of the application of various institutions, is an urgent task of the study. These principles define all law enforcement activities and establish the basic rules for the activities of personnel involved in the execution of criminal penalties. Each form of the enforcement process organization is characterized by special principles that depend on the form of the law enforcement process organization established by the legislator, and are intended to demonstrate the effectiveness of the chosen form. The principles of penal legislation are based on the norms of international law regarding prisoners, such as the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), adopted in 2016, European Penitentiary Rules, adopted in 2006, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, adopted in 2002, The European Convention for the Protection of Human Rights, adopted in 1950. The principles enshrined in these acts establish the fundamental rights of persons sentenced to deprivation of liberty, which are enshrined in the legislation of the Republic of Moldova and must be respected in sentences execution (Florea, V. & Florea, L. 1999, pp. 12–13).

Taking into account the fact that in the Republic of Moldova the penal process is organized in the form of a quasi-progressive system, most of the principles are aimed at motivating convicted persons to abandon delinquent behavior by relaxing the established regime of sentence execution, depending on the course of sentence execution. The principles of the penal legislation of the Republic of Moldova are enshrined in Article 167 of the Penal Code. According to Part 1 of this article, the execution of sentences in criminal cases is based on the principles of normality, democracy, humanism, respect for the rights, freedoms and human dignity, equality of convicted persons before the law, differentiation, individualization and planning of serving criminal sentences, rational use of means of correcting convicted persons

and encouraging law-abiding behavior. The legislator of the Republic of Moldova has formulated an exhaustive list of principles of the penal legislation. National researchers demonstrate different approaches to the exhaustive nature of this list, since many social relations regulated by penal legislation cannot function effectively within the framework of the principles set out exhaustively in Article 167 of the Penal Code.

In Rec (2003) 23 of the Committee of Ministers of the Council of Europe on the management of the prison administration of prisoners sentenced to life and long sentences (Rule 2), six categories of principles are identified, the application of which is aimed at achieving the following priority objectives:

- penitentiary institutions should be safe places for prisoners, as well as for prison staff and visitors;
- the harmful effects of prolonged detention must be addressed;
- opportunities for the re-entry of convicted persons into society after their release from prison should be expanded.

All these goals, according to the Committee of Ministers of the Council of Europe, can only be achieved through the proper and effective application of the following principles: individualization of the execution of the sentence, normality, responsibility, safety and security, non-segregation and progressivity (Rules 3–9).

T. Walsh (2004, p. 41) considers that the following practical principles of the correctional process, ensuring the prevention of recidivism, are successfully applied in a progressive system of punishment:

- smooth transition of prisoners from prison to the community or so-called throughcare – the principle that provides for the management of cases for each prisoner;
- provision of post-penitentiary assistance;
- application of social adaptation programs;
- gradual release based on individual sentence planning, evaluation and classification of convicted persons;

– a specific approach to the needs.

In the international literature, the principle of “throughcare” is increasingly attracting the attention of scientists. The essence of this principle is that criminals receive smooth and coordinated assistance to integrate into society and prevent reoffending. Ongoing care is defined as the continuous, coordinated and integrated management of offenders from the time they come into contact with correctional services until they are successfully reintegrated into society (MacDonald, M. & Weilandt, C., 2012, p. 3). This principle can be linked to the principle of progressive execution, which is widely used in the progressive system of execution. The principle of progressivity is defined by some authors as a progressive movement in the penitentiary system from restrictive to less restrictive conditions, when the prisoner can spend a significant part of his time in society (Van Zyl Smit, D. & Appleton, C. 2019, p. 209). Other authors believe that this principle implies a gradual transition from detention to release from custody (Anderson, Y. A. & Groning, L. 2016).

According to the European Court of Human Rights, in recent years there is a tendency, clearly demonstrated by the legal instruments of the Council of Europe, to pay more attention to reintegration. This goal is reinforced by the development of the principle of progressivity, which implies that the prisoner should gradually move within the prison system from the initial stage of detention, which emphasizes punishment and payment for the committed act, to the later stages of punishment, where priority should be given to preparing for release. The possibility of such a development is crucial for both prisoners and prison staff for the proper management of the penitentiary institution. This progress motivates and encourages a convict to engage in prosocial behavior and ensures a deeper relationship between convicts and a staff, which contributes to the strengthening of dynamic security. According to A. Hoidahl (2018), the principle of progressivity is based on the belief that if

the prison system is more isolated and with a higher level of security, it will be more difficult for the convicted person to successfully return to freedom. Consequently, during the period of detention, convicted persons should be given the opportunity to reduce the appropriate level of security, depending on their behavior.

Thus, the principle of progressivity can be considered as the basis of a progressive system of sentences execution and, in our opinion, should be enshrined in the national penal legislation in order to determine the progressive orientation of the correctional process, individually and gradually adapt all correctional tools to achieve the planned goal. However, the separate application of the principle of progressivity will not give the expected effect, since its essence is to combine all the mechanisms and tools of correction to achieve the goal of criminal punishment, instilling in society confidence in the success of the penal process at the expense of educational results.

Another principle applied in the progressive system of serving sentences in the form of imprisonment is the principle of normality. In the Norwegian correctional system, this principle is very widely used and assumes the following. The penalty is only a restriction of freedom in conditions under which the court has not imposed any other restrictions. Consequently, the convicted person has the same rights as the rest of the population. No one may serve a sentence of imprisonment in more severe conditions than it is necessary as a measure for the public security. Prisoners should be included in the security regime with the least restrictions, according to an individual assessment. During detention, the life of prisoners should be as similar as possible to life “outside”. In fact, this principle includes most of the principles of national penal legislation, but in the Norwegian formula they form a complete set of complex guidelines for the application of the most appropriate re-education measures, adapted to the individual needs of each convicted person, strengthening

mutual relations between prison staff and prisoners. In our opinion, it is advisable to include this principle in the national penal law of Moldova with its proper regulation in the secondary regulatory framework.

According to German law (Articles 71 and 81 of the German Federal Law on the Execution of Detention and Imprisonment Imposed for the Purpose of Correction and Prevention), the principle of responsibility, which is expressed in the vast majority of educational tools, is of fundamental importance in the application of the institutions of a progressive system of punishment. This principle assumes that the convicted person, as far as possible, should be able to organize and resolve their personal affairs and bear their responsibility for their ordering and resolution. It is necessary to awaken and develop the conscience of the convicted person responsible for the orderly coexistence in the penitentiary institution. As in Germany, the Danish penal system is based on the principle of personal responsibility of the prisoner, and all correctional activities must be organized in such a way that the convicted person has the opportunity to develop a sense of responsibility, respect and self-confidence, as well as to be motivated to choose a life without crime (Kamerman, J. 1998, p. 106).

Planning of serving a criminal sentence in the form of liberty deprivation involves creating prerequisites for the development of convicts' skills to be responsible for solving their own problems, but does not contribute to the formation of these skills due to the lack of appropriate legal mechanisms, which suppresses the intentions of prison staff to form a responsible and prosocial person. We believe that the list of special principles applied in a progressive system of serving sentences in the form of deprivation of liberty can be expanded by the principles enshrined in international recommendations, namely: the principles of normality, responsibility and progressivity. These three principles can contribute to the development of a national progressive system and create prerequisites for improving the

motivational mechanisms currently available in the arsenal of prison staff. We also believe that it is important to comprehensively apply all the principles that are characteristic of a progressive system of serving criminal sentences in the form of liberty deprivation, without highlighting the main or secondary principles. Moreover, the non-application or improper application of one principle can cause a chain negative effect, which is expressed in the disruption of the entire correctional process and, as a result, in the commission of new crimes by a released person.

Conclusions

Although most of the principles reflected in the Penal Code of the Republic of Moldova are characteristic of a progressive system of serving sentences, we consider this list incomplete. International practice recognizes the important role of the principles of normality, responsibility and progressivity in a progressive system of serving a sentence of imprisonment. Therefore, in order to intensify the national correctional process and achieve more effective results in the execution of criminal penalties, it is necessary to expand the list of principles enshrined in the Penal Code of the Republic of Moldova and to create correctional mechanisms that correspond to their proper application.

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ABOUT PLACES
OF SERVING A CRIMINAL SENTENCE
IN THE FORM OF ARREST

О МЕСТАХ
ОТБЫВАНИЯ УГОЛОВНОГО НАКАЗАНИЯ
В ВИДЕ АРЕСТА

Abstract. The article is devoted to issues related to the places of serving a criminal sentence in the form of arrest in the Republic of Belarus, the peculiarities of transferring convicted persons to arrest for further serving their sentences from one arrest house to another. Some suggestions are made regarding the circumstances that should be taken into account when distributing and transferring convicts to detention houses.

Keywords: place of serving the sentence, the house of arrest, the convicted person, transfer to the houses of arrest.

Аннотация. В статье рассматриваются вопросы, касающиеся мест отбывания уголовного наказания в виде ареста в Республике Беларусь, особенностей перевода осужденных к аресту для дальнейшего отбывания наказания из одного арестного дома в другой. Вносятся некоторые предложения относительно обстоятельств, которые необходимо учитывать при распределении и переводе осужденных в арестные дома.

Ключевые слова: место отбывания наказания, арестный дом, осужденный, перевод в арестные дома.

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Кузьменкова, С. В. О местах отбывания уголовного наказания в виде ареста / С. В. Кузьменкова // Международный пенитенциарный журнал. – 2021. – Т. 3(1–3), № 1. – С. 46–50. – DOI : 10.33463/2712-7737.2021.03(1-3).1.046-050.

The norms of the penal legislation of the Republic of Belarus indicate that the punishment in the form of arrest is carried out in the institutions of the penal system. Currently, this type of criminal punishment in most cases is carried out in the arrest houses located in the protected areas of the institutions of the penal system. The place of serving sentences, the execution of which is assigned to special institutions where convicted persons are placed for the period of serving the sentence, and are such institutions located on a certain territory (Orlov, V. N. 2008, p. 208). Detention houses as isolated institutions for the execution of sentences in the form of arrest have been established in all regions and are under the jurisdiction of the Department for Execution of Sentences of the MIA of the Republic of Belarus (hereinafter – DES). Currently, the detention houses are located on the territory of two correctional colonies, two prisons and three pre-trial detention centers

The creation of arrest houses in correctional colonies was carried out through the construction of separate buildings in compliance with the legal requirements for this type of punishment. At the same time, it was taken into account that when serving a sentence in the form of arrest, it is impossible for convicts to communicate with the environment, just as it is impossible for them to communicate with each other in the same arrest house (with the exception of persons held in the same cell). Arrest houses located on the territory of pre-trial detention centers were created on isolated floors or in buildings, respectively, the cells were re-equipped taking into account the requirements of the law for the detention of convicted persons for arrest.

In part 1 of Article 58 of the Penal Code of the Republic of Belarus (hereinafter – PC of the Republic of Belarus), two positions are indicated: the place of serving the sentence in the form of arrest (arrest house) and the location of the arrest house in which the citizen sentenced to arrest must serve the sentence (a settlement closest to the place of residence

of the person sentenced to arrest). It should be noted that the Instructions on the procedure for sending persons sentenced to imprisonment to correctional institutions and transferring persons sentenced to imprisonment for further serving of their sentences from one correctional institution of the penal system of the MIA of the Republic of Belarus to another (approved by the Resolution of the MIA of the Republic of Belarus No. 389 adopted on 12.12.2005) regulate the procedure for sending persons sentenced to arrest to the place of serving their sentences. It is a guilty verdict or a court ruling changing its definition or ruling that has entered into legal force (Article 65 of the PC of the Republic of Belarus) that is recognized as the grounds for the execution of a sentence in the form of arrest. After the court verdict comes into force, the convicted person is sent to the arrest house.

Law enforcement practice shows that the period of detention until the sentence enters into legal force can be equal or almost equal to the term of the sentence in the form of arrest imposed by the court. In this regard, when the court verdict enters into legal force, the convicted person is immediately or after a few days is subject to release from the pre-trial detention center. The presence of such cases indicates that the person sentenced to the punishment in the form of arrest, in fact, did not serve this sentence in the arrest house (the essence and purpose of the appointment of this punishment is meaningless). In such cases, it is advisable for the courts to apply an alternative measure of criminal liability in the form of, for example, conditional non-application of the imposed sentence.

To serve their sentence, those sentenced to arrest are sent to the arrest house no later than ten days from the date of receipt by the administration of the pre-trial detention center of the notification of the entry into force of the court verdict. On the day of receipt of the court's guilty verdict against the convicted person, employees of the special department of the pre-trial detention center send an application

to DES for the issuance of a convoy for sending the convicted person to the place of serving the sentence. It becomes obvious that the convicted persons are sent to the place of serving their sentence (to the appropriate arrest house) by the order of DES, as a rule, to the arrest house that is geographically located in the nearest city (district, region) at the place of residence of the citizen who committed the crime. In accordance with the general requirement, the convicted person must serve the entire sentence, as a rule, in one house of arrest. Since those sentenced to arrest are held in conditions of strict isolation from society, this provision of the law is especially important for arrest (as opposed to imprisonment), taking into account not only the short-term nature of the arrest, but also the conditions of isolation. It is known that the strict isolation of those sentenced to arrest from society consists in exclusion of:

- a) free communication of convicted persons with persons outside the house of arrest;
- b) free movement of convicts within the arrest house;
- c) free direct communication of those sentenced to arrest with other convicts serving their sentences in other cells.

When distributing a convicted person to the arrest house, it is important to pay attention to a number of circumstances. Persons convicted of crimes that have had a great public response, as a rule, are not sent to the arrest house, which is located on the territory of their place of residence, conviction, as well as the commission of the crime and the place of residence of the victims. Persons who are accomplices in one criminal case, as a rule, are not sent to serve their sentences in one institution. First-time convicts, former employees of courts, law enforcement agencies, and foreign citizens are sent to serve their sentences in a separate correctional institution. Persons, who are close relatives, serve their sentences in the same institution in the absence of exceptional circumstances (paragraph 6 of Instruction No. 389 adopted on 12.12.2005). It is necessary to indicate that by the decision of the head of the territorial body of internal affairs, before the

transfer of convicted persons to the place of serving their sentence, they can be held in a pre-trial detention center, and the term of such detention should not exceed five days. The term of detention of persons sentenced to arrest in pre-trial detention centers is counted as the term of punishment, and one day of detention in a pre-trial detention center corresponds to one day of arrest.

The penal legislation provides for the possibility of transferring convicts, sentenced to arrest, from one house of arrest to another due to illness or to ensure personal safety, as well as the presence of other exceptional circumstances that prevent the convicted person from being in this house of arrest. It is obvious that these provisions are borrowed from the legislative norms regulating the serving of a sentence in the form of liberty deprivation. The issue of transferring convicted persons in the presence of exceptional circumstances is being considered: on the initiative of the head of the DES, the first deputy head of the DES or the administration of the correctional institution; on the initiative of the internal affairs bodies; on the applications of convicted persons and their relatives, other citizens (paragraph 7 of Instruction No. 389 adopted on 12.12.2005). The law enforcement practice of a sentence execution in the form of arrest in arrest houses shows that the need to transfer a convicted person to another arrest house due to illness is associated with the inability to provide qualified or special medical care to the convicted person in the medical part of the correctional institution at the location of the arrest house.

Melent'ev M. P. (1997, p. 69) rightly notes that "not every disease can entail the need to transfer a convicted person from one arrest house to another". The transfer of a convicted person due to illness should be carried out only if the recommendation for such a transfer is provided for by a medical report. The transfer of a convicted person to another house of detention in order to ensure his personal safety may be associated with the psychological incompatibility of the convicted person with

other convicts and arising on this basis a conflict-aggressive relationship with fellow inmates. In this regard, the security of the convicted person can be ensured by transferring him to another cell. Other reasons why it is possible to transfer a convicted person to another house of detention include circumstances that make it difficult for the normal functioning of the house of arrest (reorganization or liquidation of the arrest house; natural disaster, fire; epidemic that has engulfed the territory where the arrest house is located; the introduction of a state of emergency or martial law in this area), the need to implement operational-regime measures to prevent offenses in the arrest house and solve the committed crimes; social conflicts in the area of the institution's location; mass riots, etc.

The transfer is made at the written request of the convicted person or his relatives or a reasoned report of the staff of the arrest house (addressed to the head of the department), who are responsible for the protection, supervision, organization of the correctional process, medical support in the arrest house. DES considers the application (report) with the materials attached to it, confirming the validity and objectivity of the grounds for the transfer, and makes a decision on the expediency or in expediency of allocating a discharge order and transferring the convicted person to

another arrest house. Thus, the definition of a special place for the execution and serving of arrest is provided for by the current penal legislation, but at the same time there are a number of circumstances that must be taken into account when distributing and transferring convicts to arrest houses.

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FORMS OF PROFESSIONAL TRAINING ACTIVATION AMONG CADETS IN THE DEPARTMENTAL HIGHER EDUCATIONAL INSTITUTION OF THE MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF KAZAKHSTAN

ФОРМЫ АКТИВИЗАЦИИ ПРОФЕССИОНАЛЬНОЙ ПОДГОТОВКИ ОБУЧАЕМЫХ В ВЕДОМСТВЕННОМ ВЫСШЕМ УЧЕБНОМ ЗАВЕДЕНИИ МИНИСТЕРСТВА ВНУТРЕННИХ ДЕЛ РЕСПУБЛИКИ КАЗАХСТАН

Abstract. The article is devoted to the issues of relevance of the educational process organization for the definition, use and application of various forms of education, their constant improvement and updating. The considered forms of training are aimed primarily at the formation of cadets in departmental universities of positive motivation and interest in the final result of mastering knowledge.

Keywords: professional training, forms of training, forms of control, tactical and special training.

Аннотация. В статье анализируются вопросы актуальности организации учебного процесса по определению, использованию и применению разнообразных форм обучения, их постоянного совершенствования и обновления. Рассмотренные формы обучения направлены прежде всего на формирование у обучаемых в ведомственных вузах положительной мотивации и заинтересованности в конечном результате овладения знаний.

Ключевые слова: профессиональная подготовка, формы обучения, формы контроля, тактико-специальная подготовка.

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The organization of the educational process determines the use and application of various forms of learning. Their constant improvement and updating in modern didactics continue discussions around the forms of organization of the educational process. This is due to the modernization of learning content and the introduction of modern educational technologies in the educational process.

In the dictionary of S. I. Ozhegov (1990), the concept of “form” is defined as a way of existence of content, inseparable from it and serving as its expression. In the “Philosophical Dictionary” (Frolov, I. T. 1981), the concept of “form” is defined as follows: “form is the internal organization of content”. In pedagogical science discussions on the definition of the system of forms of organization of the educational process continue. According to Yu. K. Babanskiy (2001), the forms of training organization “represent the external expression of the coordinated activity of the teacher and the cadet, carried out in the prescribed manner and in a certain mode”. I. F. Kharlamov (2007) gives the following definition: “the form of training as a didactic category denotes the external side of the educational process organization, which is related to the number of cadets being trained, the time and method of training, as well as

the order of its implementation”. According to P. I. Pidkasisty (2007), “the form of training should be understood as a construction of segments, cycles of the learning process, implemented in combination with the activities of cadets to assimilate a certain content of educational material and development the methods of activity”. I. P. Podlasy (2007) presents the forms of education as an external expression of the coordinated activity of the teacher and cadets, carried out in a certain order and mode. They are socially conditioned, arise and improve in connection with the development of didactic systems, are classified according to various criteria: the number of cadets, the place of study, the duration of training sessions, etc. A. Ya. Savel'ev (1994) presents the forms of the educational process organization in the following form (Table 1).

Thus, the forms of training are primarily aimed at forming cadets' positive motivation and interest in the final result of mastering knowledge and instilling certain special skills.

Lecture (from Lat. *lectio* - reading from a sheet) – a systematic, consistent monological presentation of educational material by a teacher, usually of a theoretical nature, one of the forms of organizing training. Lecture – an oral presentation of educational material.

Table 1

Forms of the educational process organization according to A. Ya. Savel'ev (1994)

Forms of education		Forms of control
Aimed primarily at theoretical training	Aimed primarily at practical training	
Lecture Seminar class Laboratory work Excursion Independent classroom work Independent extracurricular work Conference Consultation	Practical lesson Course design Diploma design All types of practice Business game	Control work Individual interview Colloquium Test Transferable semester exams Protection of the course project Qualification tests State exams Defense of the diploma project Comprehensive exam in the specialty

It is distinguished by its large capacity, the complexity of logical constructions, the concentration of mental images, proofs and generalizations. The lecture, including on tactical and special disciplines, forms the cadets' ability to listen carefully to the teacher, actively perceive him and fix him in memory, comprehend and highlight the main thing in the proposed information.

One of the main forms of cadets' training organization at the university is practical classes. They are aimed at performing such actions that bring cadets closer to reality, and allow them to apply the theoretical knowledge they have gained in practice. Cadets in practical classes are given self-preparation tasks. The purpose of such tasks is to acquire the skills and abilities to apply theoretical knowledge in solving practical issues that arise in non-standard situations. The methodology of practical training is diverse. In particular, it is possible to approach practical classes to official activities, focusing on theoretical problems while simultaneously solving relevant tasks. The following methods are suggested for completing self-preparation tasks:

- to start completing self-preparation tasks only after working through the practical material on this topic;
- to start a task after careful reading of its condition;
- to think through the task completion plan;
- to specify the results of the intermediate and final task completion;
- to make an analysis of the completed solution.

Preparation for practical exercises for tactical and special disciplines, where practical training is one of the main types of educational work, contributes to the consolidation of the passed material. A good preparation for the lesson will allow you to actively work in the audience and thus get satisfaction from it. To prepare for practical classes, cadets are offered the following methodology:

- to be guided by the considerations that the benefit of the lesson will be the greater,

the more you will be able to work productively independently in the classroom;

- to treat for classes preparation seriously;
- to go back to the previous topics of the course and recall the main points of the theory (whether they are preserved in memory);
- in the process of working out the theoretical part on the topic of the lesson, it is necessary to work out the main provisions of the material, consider examples from textbooks, remember the main ones, understand the essence of the passed material;
- if necessary, to prepare dictionaries, textbooks and workbooks on the specialty for the lesson.

The seminar class is one of the leading forms of group training and practical classes at the university. It is held "in order to deepen and expand the knowledge gained at the lectures, involves the analysis of difficult material, the identification of controversial issues on which the cadet must determine their positions" (Kabdenov, T. K. & Kil'mashkina, T. N. 2002). At the seminar classes, cadets develop communication skills, master the scientific apparatus of the studied discipline, the art of oral presentation and written presentation of the material, as well as the defense of the developed provisions and conclusions, and acquire the skills of scientific papers preparation. The cognitive activity of cadets in practical and seminar classes depends on the skillful and correct selection of educational material, the organization of interdisciplinary connections in the classroom, which forms a positive educational motivation. The teacher and thinker Ya. A. Komenskiy (1982) expressed this idea: "Everything that is in mutual connection should be taught in the same connection".

Independent work of cadets as a form of individual work that encourages intellectual initiative and develops creative thinking in all types of cognitive activity provides for:

- deepening and consolidation of educational material when performing tasks on self-preparation, preparation for practical

classes, colloquiums and seminars, tests and exams, intermediate and final control;

- acquisition of skills in working with scientific literature, independent search for information, development of research and creative abilities;

- training of diligence, constant readiness to search for and assimilation of information, that is, continuity and systematic training, patient perseverance and purposefulness, the ability to plan and organize working hours.

The development of program issues of the discipline consists of classroom and extracurricular work of cadets. In this regard, in the organization of independent work, it is recommended to distinguish three main components:

- a task for self-training, or extracurricular work, where the main role is assigned to the cadet (this can be preparing for practical classes, writing essays and reports, preparing presentations, performing exercises);

- active work in the classroom and in the course of independent work of cadets with the teacher. This can be a synthesis of tasks completed during self-preparation, or work during a class;

- training, discussion, business game, presentations, exercises, etc. The main purpose of this process is to instill practical skills in cadets when acting outside of standard situations.

Independent work involves performing various types of tasks:

- reproduce of the listened or seen information for memorization and consolidation. Reproducing exercises are built on the basis of the teacher's reasoning scheme and allow cadets to master the basic educational material in a short time. This helps to plan classes for students of any year of study, but does not develop the ability to think creatively and constructively;

- completing tasks related to practical exercises, etc. In reconstructive-variable tasks, the teacher puts a problem in front of the students, and the students themselves solve

it by choosing the answers from the proposed options;

- partially-search, heuristic tasks (independent work of increased complexity). Heuristic methods, as well as research methods, involve the cadet's independent search for the amount of missing knowledge. Search tasks are related to the development of creative abilities of cadets. Independent solution of individual parts of the problem requires creative work, for example: comparison of two or more points of view, preparation of theses of the report and the message, preparation of detailed plans of the answer to the seminar with the application of a short bibliographic index, etc.;

- abstracts, reports, scientific reports, essays, glossary, methodological developments for the event (classes, conversations, lessons, debates), preparation of presentations. Such types of work as an abstract, a report or a crossword, it is recommended to plan in the first year, for students of the 2nd year, an essay, presentations, etc. are provided. We will give a brief description of the independent work of the cadets.

Review on the topic – to write a short review of 1–2 pages on the recommended topic with the involvement of additional material from the press and Internet information resources (usually set at the beginning of the study of the discipline).

Glossary – a brief explanation of terms and concepts (performed on a given topic).

An abstract, being the most common form of independent work, is a report on a specific topic with a mandatory review of the literature or a statement of the content of a scientific work or book. More interesting and creative work is the opposition of the abstract, as a result of which the skills of analyzing the speech and conducting the discussion are acquired.

The colloquium allows you to identify the knowledge and level of training on various topics of a particular discipline being studied in the form of an interview, which is not always possible with other types of independent work. Questions for self-study should be such that

the answers can be given only on the basis of the interpretation and analysis of the collected material.

An essay is a statement of one's thoughts and considerations on current legal, socio-economic problems in various genres – criticism, journalism, etc.

Building a tree of goals – students are asked to select a problem, identify goals by level; identify tasks at all levels and realistic plans; determine the place, for example, of the organizational structures of the enterprise in achieving these goals; select performance quality meters and forms of task control.

Presentation – the listener can choose any topic for their presentation and express their understanding or misunderstanding of any aspect of the presentation. The presentation is evaluated according to the following criteria: how well the topic is disclosed and aroused the interest of others, as well as how professionally the student approached the problem under consideration.

Training specific situations – students are offered a variety of simple and complex situations for which they will have to answer questions or write their own vision of the problem.

Business games help students develop the skills necessary for their future professional activities. Some games require home preparation for completion in the library, in production

Group project – there should be no more than 3–5 people in the group, each group should develop its own project. An individual project is carried out by the most prepared students at will. The work should be distinguished by the uniqueness of the topic, the research nature; the results of the project can be reported at the audience conference.

Active forms of training, according to S. A. Gabrusevich, G. A. Zorin (1989), "... reflect the essence of the future profession, form the professional qualities of specialists, are a kind of training ground where cadets can practice professional skills in conditions close

to real ones. A deep analysis of the mistakes of the trainees, revealed during the summing up, reduces the likelihood of their repetition in real life". In the course of training, one of the most important tasks today is the maximum activation of the cognitive activity of cadets, the development of their independent creative thinking, the formation of the desire for self-education.

Self-study of cadets in a departmental university, according to N. P. Kim (1999), is "one of the types of independent activity aimed at solving cognitive tasks in the most rational way, carried out in the conditions of indirect pedagogical management, focused on the maximum use of self-management of the individual, the result of which has a subjective novelty". The effect of cadets' self-study can be obtained only when it is organized and implemented in the educational process as an integral system that covers all stages of training students at the university. Self-study of cadets is a form of assimilation of educational material not only in the classroom, but also in the process of extracurricular work. It contributes to the formation of independent thinking, the development of their own point of view. The skills to develop beliefs can be useful in the upcoming professional activity.

One of the main forms of education of future specialists, the most important and effective means of improving the quality of training of students who are able to creatively apply in practice the latest achievements of scientific and technological progress, is the research work of cadets. The involvement of cadets in research work also allows them to use their creative and labor potential to solve urgent problems facing the bodies of the penal system. The main tasks of the cadets' research work are:

- mastering scientific methods of cognition, advanced and creative study of educational material;
- development of creative thinking, expansion of horizons, formation of scientific worldview and erudition of the future specialist;

– training the need and ability to constantly improve your knowledge;

– instilling sustainable skills of independent research work;

– development of the ability to apply theoretical knowledge in practical activities.

Thus, taking into account and using traditional and modern forms and methods of training aims cadets to constantly search for and introduce innovations in the methodology of teaching tactical and special disciplines. This search is primarily aimed at the creative development of the student, meets the requirements of modern education, which involves the education and formation of a fully developed personality.

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